IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1507 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ASKARI KELVINBHAI KAMJIBHAI

Versus

KHARADI DITAJI NANAJI

Appearance:

1. Civil Revision Application No. 1507 of 1999

MS KJ BRAHMBHATT for Petitioner No. 1

MS JAYSHREE C BHATT for Respondent No. 1-3

MR KL PANDYA A.G.P. for Respondent No. 4-5

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 27/12/2002

ORAL JUDGEMENT

1. This is a revision application under Section 115 of the Civil Procedure Code, now governed by the amended

provision as introduced by Civil Procedure Code (Amendment) Act, 1999.

2. The present applicant is the original defendant in a suit filed by the present opponents no.1, 2 and 3 as plaintiffs. The aforesaid plaintiffs have filed Regular Civil Suit no.20/1998 against the defendants being the present applicant and present opponents nos. 4 & 5, wherein the plaintiffs have filed an application for an injunction at Exh.6. The Trial Court after hearing the parties dismissed the said injunction application at Exh.6. Being aggrieved by the rejection of the injunction application the present opponents nos.1 to 3 original plaintiffs preferred an appeal under Order 43 Rule 1 of the Civil Procedure Code being Civil Appeal from Order no. 33/88, which came to be allowed by judgment and order dated 30th June, 1999 by the Assistant Judge, Sabarkantha at Himmatnagar. It is this judgment and order which is the subject matter of the present revision.

3. On a plain reading of the amended Section 115 of the Civil Procedure Code it becomes obvious that the present revision is not maintainable in asmuch as if an order had been passed in favour of the present applicant, it would not have disposed of the suit.

4. This revision application is, therefore, dismissed and Rule is discharged with no order as to costs.

[Y.B. BHATT, J.]

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